

### **REMARKS/ARGUMENTS**

This is responsive to the Official Action of March 12, 2009 presenting a requirement for restriction between three different groups of claims. The Official Action presents three separate groups, however claim 64, the only claim in Group III, has been amended to depend from claim 33 which falls into Group I (the elected Group) accordingly amended claim 64 should be examined with claims 33-60.

Responsive to the requirement for restriction, applicants elect the subject matter of Group I, namely claims 33-60 and amended claim 64.

This response is made with traverse to the extent that non-elected claims 61-63 may be rejoined following the procedures mentioned on page 5 of the Official Action once any of the elected subject matter has been indicated to be allowable.

Applicant notes that in the restriction requirement, the examiner has commented that in her view some of the claims are not novel over WO 8908833. Applicant does not think that this is correct, but will withhold substantive arguments for patentability if and when needed during substantive examination on the merits.

In response to the examiner's request to identify a specific claimed species disclosed in the application, the applicant has selected a reagent (*see* attached sketch) comprising HMCV-1(C1-)-aminodextran as energy acceptor and AlexaFluor 594<sup>TM</sup>-Concanavalin A as energy donor. This reagent is prepared in the Example on pages 27 to 29 of this application. The structure of HMCV-1 is given on page 19 of the application. This reagent falls within the scope of claims 33, 37, 38, 39, 40, 41, 43, 44, 45, 47 49, 50, 51, 52, 53 and 54 (and amended claim 64).

Submitted with this response is a further Information Disclosure Statement based on the results of the international examination and search as counsel notes the Information Disclosure Statement filed with the original application papers has not been considered because copies of the documents were not available. It is counsel's understanding that the WIPO no longer furnishes these copies directly to the designated countries so as no claims have been examined on the merits "there will be no fee for processing this Information Disclosure Statement".

Examination on the merits is awaited. Should the examiner require further information, please contact the undersigned.

NORRILD ET AL.  
Appl. No. 10/582,794  
March 27, 2009

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

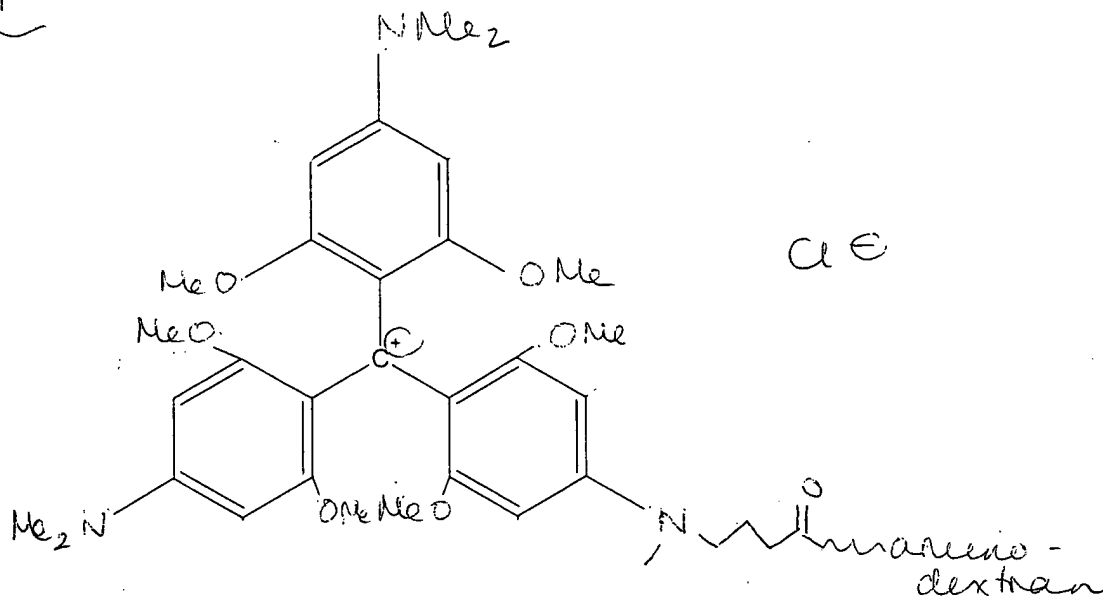
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Energy Acceptor =



HMCV-1(ClO<sup>-</sup>)-aminodextran

R<sup>1</sup>, R<sup>2</sup> = NMe<sub>2</sub>

R<sup>3</sup> = attached to a linker structure

R<sup>4</sup> - R<sup>9</sup> = H

R<sup>10</sup> - R<sup>15</sup> = OMe

Energy Donor = Alexaflex 594<sup>TM</sup> - Cercaraxalin A.